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NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. C07-3437 JSW
NOTICE OF APPEAL

EDITH MACIAS, individually and on
behalf of similarly situated
individuals; HOTON DURAN;
TIFFANY HUYNH; AURA MENDIETA;
WILLIAM LABOY; MIGUEL ACOSTA;
CRUZ ACOSTA; CUAUHTEMOC
TORAL; TERESA VILLEGAS,
KAPIKA SALAMBUE; and MARINA
DURAN,

Plaintiffs,

vs.

THOMAS J. TOMANEK; and
MARK GARIBALDI, individually
and doing business as THE
GARIBALDI COMPANY,

Defendants.

Notice is hereby given that plaintiffs Edith Macias, on behalf of herself and a class of similarly situated persons, and plaintiffs Hoton Duran, Tiffany Huynh, Aura Mendieta, William Laboy, Miguel Acosta, Cruz Acosta, Cuauhtemoc Toral, Teresa Villegas, Kapika Salambue, and Marina Duran hereby appeal to the United States Court of Appeals for the Ninth Circuit from the final judgment entered in this action by the United States District Court for the Northern District of California on January 9, 2008, in favor of defendants Thomas J. Tomanek and Mark Garibaldi, individually and

1 doing business as The Garibaldi Company (doc. 36), and the order granting
2 defendants' motions to dismiss plaintiffs' first amended complaint with prejudice (doc.
3 35).

4 Pursuant to Rule 12(b) of the Federal Rules of Appellate Procedure and Ninth
5 Circuit Rule 3-2(b), a Representation Statement identifying all parties to the action
6 along with their respective counsel is attached hereto.

7 Dated: January 30, 2008.

8 Respectfully submitted,

9 BRANCART & BRANCART

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11 _____
12 Elizabeth Brancart
13 Attorneys for Plaintiffs
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PROOF OF SERVICE

I am over the age of 18 and am not a party to the within action. My business address is 8205 Pescadero Road, Loma Mar, California 94021.

On January 31, 2008, I served a true and correct copy of the following document(s):

**NOTICE OF APPEAL; REPRESENTATION STATEMENT; and
CIVIL APPEALS DOCKETING STATEMENT**

upon the following person(s):

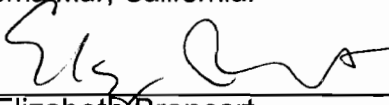
Ms. Sara Allman, Allman & Nielsen, 100 Larkspur Landing Circle, Suite 212
Larkspur, CA 94939; and

Mr. John S. Blackman, Farbstein & Blackman, 411 Borel Ave., Suite 425, San
Mateo, CA 94402

	BY HAND DELIVERY: By causing such document(s) to be delivered by hand to the above person(s) at the address(es) set forth above.
XX	BY MAIL: By placing a copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, in the United States mail at Loma Mar, California, addressed as set forth above.
	BY THIRD-PARTY COMMERCIAL CARRIER (OVERNIGHT DELIVERY): By delivering a copy thereof to a third-party commercial carrier, addressed as set forth above, for delivery on the next business day.
	BY FACSIMILE: By transmitting the above document(s) to the facsimile number(s) of the addressee(s) designated above.
	BY ELECTRONIC TRANSMISSION OF THE "NOTICE OF ELECTRONIC FILING:" By electronically filing the document(s) (All counsel are "Filing Users")

I certify that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 31, 2008, at Loma Mar, California.


Elizabeth Brancart